IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35334 of 2008
VIJAY KUMAR … … Petitioner
Versus
1. THE STATE OF BIHAR
2. Bhuwan Bhaskar @
Bhawesh Kumar … … Opp. Parties
For the petitioner: Shri Devendra Pd.Singh
For the State: Shri Dashrath Mehta,APP

For Opp. Party No.2: Shri Ram Sagar Mahto
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4. 21.10.2008 Heard the sides.

On mere perusal of the F.I.R. what appears is that the finding recorded by this Court in the order dated 16.7.2008 passed in Cr. Misc. No.16996 of 2008 that the petitioner is the husband of the sister of the deceased and further that the case diary did not indicate any hand of the petitioner in commission of the offence, is completely wrong and on that account the Court appears misleading itself into passing an order in respect of opposite party No.2 Bhuwan Bhaskar alias Bhawesh Kumar. In the above view, this Court recalls its earlier order dated 16.7.2008 by canceling it and directs the Chief Judicial Magistrate, Khagaria, to take steps for remanding the above named accused Bhuwan Bhaskar alias Bhawesh Kumar, an accused in Parbatta P.S.Case No. 155 of 2007, to

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custody with an information to this Court at the earliest.

This order shall not preclude the opposite party no. 2 from making prayer for bail either in the lower court or before this Court.

This petition is, accordingly, allowed.

(Dharnidhar Jha, J.)

Kanth

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